



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

a smaller number of pages than in the second edition. The number of cases cited is approximately the same. This, of course, is due to the fact that much of the earlier case law has become obsolete by virtue of the recent statute, giving an opportunity for excision, and also for substitution of new and important decisions on the Statutes of Elizabeth, and decisions on the Voluntary Conveyances Act, 1893. Though some United States cases are cited, the book is primarily an English book. Notwithstanding this, it is one that will be of value to practitioners here, for the underlying principles are of general application and they are clearly expounded, and are reënforced by the citation of authority.

It would be of advantage to the profession if authors of law textbooks, and more particularly editors of other men's works, would take example from Mr. Edwards, and realize that a new edition should mean a revision by a book in view of the latest laws and decisions; not merely an expansion by the mechanical addition of new citations to a previously written text, or an addition to such text of portions of the headnotes of cases decided between the editions.

S. H. E. F.

RATE REGULATION AS AFFECTED BY THE DISTRIBUTION OF GOVERNMENTAL POWERS IN THE CONSTITUTION. By Robert P. Reeder. Philadelphia: F. & J. W. Johnson Company. 1908. pp. 44. 8vo.

This monograph is essentially an inquiry as to the amount of discretion which may be granted to commissions in the fixing of railroad rates, without infringing the principle of constitutional law which prohibits legislatures from delegating powers confided exclusively to them.

A definite thesis is supported by the author, namely, that where in fixing specific rates the commission is merely following "principles" previously laid down by the legislature the rates so fixed are valid, the extent of the commission's power "depending on the completeness with which principles have been stated for its guidance." In reaching this general conclusion the author has made an excellent exposition of the nature of the rate-regulating power. But the more unsettled and important question now is the precise nature and extent of the "principles" which the legislature must lay down. How definite must the legislative rules for the guidance of commissions be, in order to give validity to their acts thereunder? This narrow question is the vital one, and in treating it the author is less satisfactory than in his preliminary discussion. There is a puzzling difficulty involved. If the legislature is compelled to lay down for the commission rules so detailed as to leave to the commission little or no discretion, the inconvenience of devising such rules will probably make the fixing of specific rates, as a practical matter, impossible. An important reason for the creation of commissions was this very inconvenience. If, on the other hand, the commission may fix valid specific rates under a broad legislative authorization, such as to fix "reasonable" rates, it would seem that the legislature has delegated all its power, for if "reasonable" rates mean rates not unconstitutionally high or low, the legislature itself could do no more than it has authorized the commission to do.

It could be wished that the author had discussed this narrower question more in detail and as applied to various specific statutes; for a solution must be found — if possible, without abandoning either the convenience of commission rate fixing, or the rule forbidding the delegation of legislative powers.

As it is, a definite conclusion is reached only as to the Interstate Commerce Act which the author holds unconstitutional in so far as it authorizes the commission to fix "reasonable" maximum rates.

This little book is hardly one for the casual reader, either layman or lawyer, for its condensed style and lack of detailed headings make requisite the closest attention and the examination of decisions in connection with the text. So read, it will be found interesting and valuable.

The cases cited are well selected, and include the latest decisions. Unfortunately, however, two very important recent decisions of the United States Supreme Court and the New York Court of Appeals, which might have influenced the author's views, were not reported in time for citation and comment. See *Prentis v. Atlantic Coast Line R. R.* (211 U. S. 210) and *People ex rel. Metropolitan R. R. Receivers v. Public Service Commission* (N. Y. L. J., March 4, 1909.) In the last two pages there are some insinuations of executive usurpation by President Roosevelt which seem out of place in an essay otherwise scientific and impartial.

G. C.

THE CONTROL OF PUBLIC UTILITIES. By William M. Ivins and Herbert Delavan Mason. New York: Baker, Voorhis and Company. 1908. pp. lxxix, 1149. 8vo.

The annotation of a statute within a year of its passage is a task that would deter one of less courage than Mr. Ivins. It is true that many of the decisions under the Interstate Commerce Act are more or less apt. The rather ample size of this book has, however, been attained by a considerable amount of skillful padding. A general index in large type of 206 pages, an index, of 73 pages, to the Interstate Commerce Law, which itself, together with the Elkins Act, fills only 30 pages, and an index of 64 pages to the Rapid Transit Act, itself occupying only 68 pages, account for a considerable portion of this amplitude. In 669 pages the authors have endeavored to annotate the Public Service Commissions Law of New York with decisions rendered in construing the federal commerce acts, and with a large bulk of miscellaneous matter, some of which is pertinent, and much of which might well be dispensed with. The book is consequently a kind of digest centered around the Public Service Commissions Law.

F. W. B.

THE MYSTERY OF THE PINCKNEY DRAUGHT. By Charles C. Nott. New York: The Century Company. 1908. pp. 334. 8vo.

Charles Pinckney of South Carolina presented a draught of a constitution to the Constitutional Convention in 1787. This draught was referred to the Committee of the Whole and later to the Committee on Detail. No copy of this draught was found with the papers and records of the Convention. In 1818 John Quincy Adams, then Secretary of State, requested Pinckney to supply a copy. In response to this request Pinckney furnished a copy which he stated to be the one of several rough draughts in his possession which he believed he had presented to the Convention. After Pinckney's death Madison, in commenting on this copy, cast doubts on its authenticity and stated that he believed it to be impossible that it was a correct copy. His position was based largely on the fact that the copy differed in several respects from the policies advocated by Pinckney before the Convention. Madison's attitude has hitherto been accepted with little dissent. The present author considers Madison's objections in detail and examines minutely the positions taken by Pinckney in debate and in print. Every statement of Madison is met, and the author reaches the conclusion that the copy furnished by Pinckney was in all essential particulars a true copy of the draught presented to the Convention. Furthermore he states that in all probability the draught was used by the Committee on Detail as the groundwork from which they built up their report, and its disappearance he accounts for on the assumption that it was used as printer's copy by the Committee. His conclusions are well supported by the facts which a careful search has disclosed, and his deductions seem well founded. To those who are interested in the historical evolution of the Constitution of the United States the book will warrant careful consideration, and later commentators on the Constitution must ponder long before they adopt a view unfavorable to the Pinckney draught as evidenced by the copy preserved among the archives of the State Department.

J. S. S.